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*Attorneys for Defendants
Christine Sotelo, Environmental Laboratory
Accreditation Program Manager for the State
Water Resources Control Board, and
Eric Oppenheimer, Executive Director,
State Water Resources Control Board*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

ANDREW MOROZ,

Plaintiff,

v.

**CHRISTINE SOTELO, Environmental
Laboratory Accreditation Program
Manager for the State Water Resources
Control Board, in her official and individual
capacity; and ERIC OPPENHEIMER,
Executive Director of the State Water
Resources Control Board, in his official and
individual capacity,**

Defendants.

2:23-CV-02761-KJM-KJN

**STIPULATION AND ORDER RE STAY
OF PROCEEDINGS**

Judge: The Honorable Kimberly J.
Mueller

Trial Date: Not Set

Action Filed: November 28, 2023

1 Plaintiff Andrew Moroz (Plaintiff), and Defendants Christine Sotelo, Environmental
2 Laboratory Accreditation Program Manager for the State Water Resources Control Board and
3 Eric Oppenheimer, Executive Director of the State Water Resources Control Board, in their
4 official and individual capacities (collectively, “Defendants”) stipulate as follows:

5 WHEREAS, on or about February 5, 2024, Plaintiff’s laboratory Analytical Chemical
6 Labs, Inc. (ACL) filed a Petition for Writ of Administrative Mandamus under California Code of
7 Civil Procedure section 1094.5 in the Sacramento County Superior Court, *Analytical Chemical*
8 *Labs, Inc. v. California State Water Resources Control Board, et al.*, case no. 24WM000026,
9 challenging the May 22, 2023 denial of ACL’s renewal application for ELAP accreditation and
10 the Board’s January 2, 2024 dismissal of Plaintiff’s Petition for Reconsideration;

11 WHEREAS, the claims in Plaintiff’s First Amended Complaint filed on February 8, 2023,
12 (ECF No. 10) and the pending writ of mandate filed in the Sacramento Superior Court, *Analytical*
13 *Chemical Labs, Inc. v. California State Water Resources Control Board, et al.*, case no.
14 24WM000026, arise from the May 22, 2023 denial of ACL’s renewal application for ELAP
15 accreditation and the Board’s January 4, 2024 dismissal of Plaintiff’s Petition for
16 Reconsideration;

17 WHEREAS, the parties agree that a stay of the instant case pending the Sacramento
18 County Superior Court’s ruling in *Analytical Chemical Labs, Inc. v. California State Water*
19 *Resources Control Board, et al.*, case no. 24WM000026, is in the interest of conserving the
20 parties’ and the Court’s resources;

21 WHEREAS, the parties agree that the stay shall include a stay on the accumulation of
22 prejudgment interest from the issuance date of the order granting the stay and during the
23 pendency of the stay;

24 NOW, THEREFORE, THE PARTIES REQUEST THAT THE COURT ORDER AS
25 FOLLOWS:

26 1. The above captioned action shall be stayed until the Superior Court of California,
27 County of Sacramento issues its judgment on the writ of mandate at issue in *Analytical Chemical*
28 *Labs, Inc. v. California State Water Resources Control Board, et al.*, case no. 24WM000026;

2. Defendants' responsive pleading to Plaintiff's First Amended Complaint shall be due 45 days after the issuance of the Superior Court of California, County of Sacramento's judgment in *Analytical Chemical Labs, Inc. v. California State Water Resources Control Board, et al.*, case no. 24WM000026, unless a further stay is issued; and

3. The hearing on the Status (Pretrial Scheduling) Conference scheduled on March 28, 2024 is vacated.

DOWNEY BRAND LLP

Dated: February 14, 2024

/s/ Melissa A. Thorme

Melissa A. Thorme

Counsel for Plaintiff Andrew Moroz

ROB BONTA

Attorney General of California

RUSSELL B. HILDRETH

Supervising Deputy Attorney General

/s/ Emily M. Hajarizadeh

EMILY M. HAJARIZADEH

Deputy Attorney General

Dated: February 14, 2024

Attorneys for Defendants

Christine Sotelo, Environmental

Laboratory Accreditation Program

Manager for the State

Water Resources Control Board, and

Eric Oppenheimer, Executive Director,

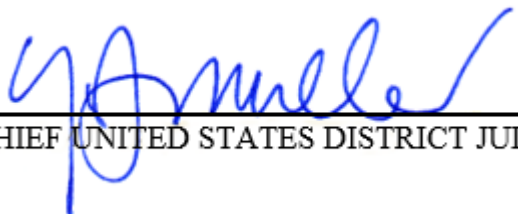
State Water Resources Control Board

ORDER

Finding good cause, the court hereby **stays** this action until the Superior Court of California, County of Sacramento issues its judgment on the writ of mandate at issue in *Analytical Chemical Labs, Inc. v. California State Water Resources Control Board, et al.*, Case No. 24WM000026. The parties are directed to file a joint status report within fourteen (14) days of the Superior Court's judgment detailing the decision and its impact on the above captioned action. Further, the status conference scheduled for March 28, 2024, is hereby **vacated**, and will be reset as appropriate.

IT IS SO ORDERED.

DATED: February 26, 2024


CHIEF UNITED STATES DISTRICT JUDGE